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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,097	04/01/2004	Jeffrey Jackson	17264-6102	9486
57449                      7590                      12/02/2008 SHEEHAN PHINNEY BASS & GREEN, PA c/o PETER NIEVES 1000 ELM STREET MANCHESTER, NH 03105-3701				
EXAMINER				
LE, TAN				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
12/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/816,097

**Applicant(s)**

JACKSON, JEFFREY

**Examiner**

Tan Le

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11, 15, 19 and 23-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 11, 15, 19 and 23-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's amendment filed 9/25/08 is acknowledged. Claims 3-5, 10, 11, 12, 15, 17 and 23-31 are currently pending. Claims 1-2, 6-9, 13-14, 16, 18 and 20-22 have been canceled. Claims 3-5, 10, 12 and 17 have been withdrawn. Claims 23-31 have been added.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/25/08 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11, 15, 19 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent no. 2,743,023 to Larson in view of US Patent No. 5,094,417 to Creed.

As to claims 11, 15, 19, 23, 28 and 31, Larson teaches a hanger apparatus (see Fig. 7 or Fig. 1 for example).

Larson's Fig 7 for example, shows a hanger apparatus comprising a holding portion (54) permitting the apparatus to be mounted to the structure 50; an enclosed central loop (86) enclosed on top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, said back portion of said enclosed central loop being a portion of said holding portion, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop; a hook 62, 64 being an extension of said back portion of said enclosed central loop, the hook being open in a vertical upward direction; wherein the holding portion has an elongated top portion extending in a horizontal direction that is substantially perpendicular to the vertical upward direction, and wherein the holding portion has a frictional element such as in 12 in Fig. 1 or screws (no numeral) (Fig. 7) capable of reducing mobility in the horizontal direction.

Larson teaches the conventional use of a projection 12 such as in Fig. 1 or screw (Fig. 7) as frictional element presses into the wood of the door wall to prevent inadvertent removal (Co. 2, lines 67-69) to grip the hanger to the door but not the use of a double adhesive tape.

Creed teaches the concept of such. In particular, Creed teaches the frictional element 27 being present only on a vertically downward-facing surface of the elongated top portion of the holding portion, the vertically downward direction being substantially opposite to the vertically upward direction, whereas the friction element comprises a thin, rubber pad or a two-sided adhesive tape (col. 4, lines 42-44). The use of adhesive tape is well known in the art as a fastening means and the selection of any of these

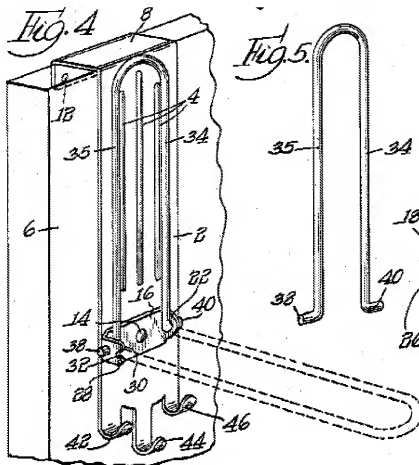
known equivalents to fastening means such as screws or Velcro etc. would be within the level of ordinary skill in the art. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention to use adhesive tape in place of fasteners to provide a frictional element on the Larson's downward-facing surface of the elongated top portion as taught by Creed in order to provide anti-skid surface to reduce the mobility in the horizontal direction as well as to easy remove with out the need of the tool.

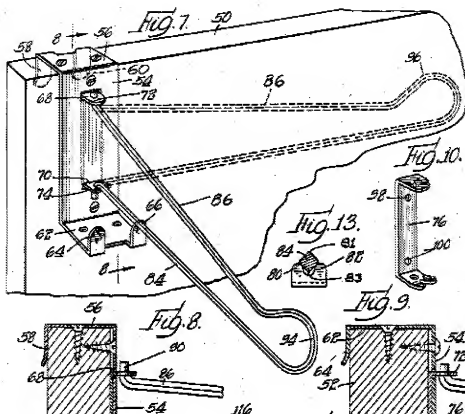
It would also has been obvious to a person of ordinary skill in the art at the time the invention was made to use double adhesive in place of the screws or projection to better affix as well as to minimize the damage of the wall where the hanger to be hung.

As to claims 24-25 and 27 and 29, Larson as modified also teaches, the holding portion further comprising an elongated side portion, the elongated side portion extending in a direction substantially perpendicular to the elongated top portion, wherein a portion of the elongated side portion of the holding portion is the back portion of the enclosed central loop; and wherein the holding portion, the enclosed central loop and the hook are considered a single solid structure. Note that although they are not structurally integral, but since the holding portion, the enclosed central loop and the hook are rigidly secured and hence they are integral in functional sense.

Claims 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson in view of Creed and further in view of US patent No. 3,907,118 to Pelavin.

Unlike Larson and Creed, Pelavin teaches a proximate portion of the hook being bent (arm 28) relative to the elongated side portion of the holding portion such that an imaginary line in a direction extending the proximate portion of the hook would form an obtuse angle (at 27) with the top portion of the holding portion for providing a sufficient head space between suspension means 14 and an item to be suspended so that the item may be conveniently hung therefrom. It would have been obvious to one of ordinary skill in the art at the time the invention to provide a proximate portion of the hook being bent relative to the elongated side portion of the holding portion on Larson as modified as taught by Pelavin in order to provide a sufficient head space between suspension means and an item to be suspended so that the item may be conveniently hung therefrom.





Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen J. Shriver can be reached on (571) 272-6689. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy J. Sterling/  
Primary Examiner, Art Unit 3632  
11/24/08

/Tan Le/  
Examiner, Art Unit 3632